

Example No. 4(a) on page 13 of the specification.

Consistent with the Examiner's requirement in the Office Action in this case, claims 1-4 and 6-15 inclusive read on the particular specific components and example Applicants have elected above. Applicants respectfully contend the spinosyn component and the alkyl alkanoate component are each structurally close related compounds. Claim 6 includes an additional ingredient comprising an antimicrobial agent.

Applicants respectfully contend the Examiner may not appreciate Applicants' presently claimed invention. As disclosed on page 4, lines 18-20, spinosyns A and D are the two major components of the fermentation product of *S. spinosa* and an agriculture product commercially available under the name "spinosad." Spinosad is comprised mainly of spinosyn A and D. Thus, although Applicants have provisionally elected spinosyn A, the example specifically identified shows a formulation containing spinosad which is, as also noted on page 5, lines 24-25, a mixture of spinosyns comprised mainly of spinosyns A and D.

On page 6, at lines 3-8, the alkyl alkanoate component is described in detail. The specification discloses that this component acts as both an organic solvent and as a spreading agent. Also on page 6, at lines 9-17, further details regarding the branched alkyl portion and the alkanoate portion of this component are specifically provided.

Still further on page 6, at line 23 and continuing to page 7, line 8, the miscibilizing agent useful in the formulations of the present invention are described. Applicants also direct the Examiner's attention to page 7, lines 14-18, where the necessity for a miscibilizing agent is disclosed. In particular, the inclusion of a miscibilizing agent is desirable when the spinosyn component is or contains spinosyn D. As is stated, D is generally the factor that causes solubility problems when preparing spinosad-containing formulations.

As discussed above, the spinosyn group of compounds are closely related characterized by differences in the substitution patterns on the amino group of forosamine, at selected sites on the tetracyclic ring system and on the 2, 3, 4-(tri-O-methyl)rhamnose group (see page 4, lines 25-28 of the specification). Similarly, the alkyl alkanoate spreading agent and solvent component are a relatively small group of related compounds.

Applicants believe they are fully responsive to the Examiner's restriction and election requirements as set forth in the Office Action. Applicants further respectfully request reconsideration of these requirements in view of the remarks made above. If the

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Examiner believes prosecution on this application can be advanced by discussing one or more aspects of the claimed invention or this communication with the undersigned attorney, the Examiner is encouraged to contact the attorney by telephone.

Respectfully submitted,



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